

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

In re: Bair Hugger Forced Air  
Warming Products Liability Litigation

Case No. 15-md-2666 (JNE/DTS)

**DISCLOSURE**

This matter was filed on December 11, 2015. The undersigned Magistrate Judge was assigned to the matter on July 20, 2018.

At various intervals during the pendency of this matter, Judge Schultz's financial advisor (UBS) purchased shares in 3M for his and his wife's retirement accounts. UBS has discretionary authority over certain accounts such that purchase and sale transactions for such accounts do not require prior authorization or approval. Accordingly, Judge Schultz did not expressly approve the purchase and was not subjectively aware of it at the time. Judge Schultz and his family never owned more than a total of 72 shares of 3M stock, which never accounted for more than .4% of the value of the aggregate assets under management by UBS on these accounts. Judge Schultz and his family were completely divested of all 3M stock on July 30, 2020. In November 2021 Judge Schultz became aware of his (very) modest past ownership interest in 3M.

Canon 3(c)(1) of the Code of Conduct for United States Judges provides:

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances in which:

\* \* \*

(c) the judge knows that the judge, individually or as a fiduciary, or the judge's spouse or minor child residing in

the judge's household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be affected substantially by the outcome of the proceeding.

Canon 3C(3)(c) defines a "financial interest" as "ownership of a legal or equitable interest, however small."

Between the time Judge Schultz was assigned to this matter and UBS sold all 3M stock from Judge Schultz's account, Judge Schultz ruled on 15 issues. A list and description of those rulings is attached hereto.

Dated: December 22, 2021

s/David T. Schultz  
DAVID T. SCHULTZ  
U.S. Magistrate Judge

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**List of Rulings by Magistrate Judge Schultz**

7/20/2018 – 7/30/2020

<u>Date</u>	<u>Dkt. No.</u>	<u>Description</u>
8/20/2018	1627	Ruled on deposition procedures
8/31/2018	1451	Granted Plaintiffs' letter request for extension to respond to Defendants' Rule 37 Motion
9/20/2018	1522	Granted Defendants' Motion to Exclude Expert Testimony
		Plaintiffs objected ( <a href="#">Dkt. No. 1544</a> )
		Judge Ericksen affirmed ( <a href="#">Dkt. No. 1580</a> )
11/6/2018	1579	Denied a Motion to Substitute Party and a Motion for Leave to File Reply as moot
1/7/2019	1710	Granted Defendants' letter request for extension to respond to Plaintiffs' Motion to Compel Defendants to Supplement Discovery Responses
1/31/2019	1730	Granted in part and denied in part Plaintiffs' Motion to Compel Supplemental Discovery
2/19/2019	1774	Directed parties to confer with each other and obtain the Court's permission before submitting a letter to the Court; allowed additional words for the response and reply briefs on a motion to reconsider; scheduled a conference
2/21/2019	1781	Denied Plaintiffs' request for leave to conduct additional discovery
2/22/2019	1815	Directed the parties to file briefing by certain dates; scheduled a hearing; directed expert depositions to be completed by a certain date
3/29/2019	1875	Directed the parties to follow the Court's protocol for categorizing cases

5/17/2019	1922	Directed the parties to follow the Court's protocol for categorizing cases
6/28/2019	2005	Clarified the Revised Categorization Order's timeline
7/3/2019	2027	Denied Defendants' Motion for Leave to File Reply in Support of Motion for Contempt Order and Sanctions for Violations of Court Orders Regarding Sealing and Confidentiality
10/24/2019	2110	Granted Defendants' Motion to Request Redaction of Transcript  Plaintiffs objected ( <a href="#">Dkt. No. 2112</a> )  Judge Ericksen affirmed ( <a href="#">Dkt. No. 2127</a> )
7/17/2020	2146	Granted in part and denied in part the parties' Joint Motion Regarding Continued Sealing; Plaintiffs' objected ( <a href="#">Dkt. No. 2147</a> )  Judge Ericksen declined to consider the objection ( <a href="#">Dkt. No. 2149</a> )  The Eighth Circuit affirmed Magistrate Judge Schultz's Order ( <a href="#">Dkt. No. 2155 at 31</a> )